

REMARKS

Claim 1 and withdrawn claim 28 are amended herein to clarify the definition of R², Group (A) and G.

Claims 32 and 33 are amended in view of amended claim 1.

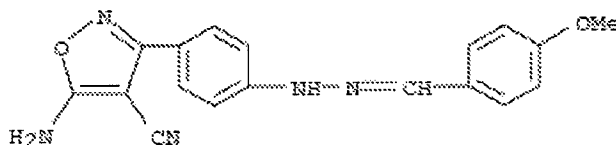
New claim 36 is added which is directed to specific compounds of the present invention.

Support is found, for example, in the original claims and in the examples of the specification. No new matter is presented.

I. Election/Restrictions

The Examiner has acknowledge Applicant's election without traverse of Group I and the further election of the compound of Example 3 (4-pyridinecarboxyaldehyde 4-(oxazole-5-yl)phenylhydrazone).

The Examiner further indicates that the elected species compound has been found allowable and, in accordance with the provisions of MPEP § 803.02, the search has been expanded to the following compound:



According to the Examiner, claims 1, 10, 14 and 32-34 have been examined to the extent that they are readable on the elected embodiment, the elected species and the species identified

above and claims 28 and 35 have been withdrawn from further consideration as being drawn to non-elected subject matter.

II. Response to Claim Objection

Claims 1, 10, 14, 32 and 33 are objected to as containing non-elected subject matter. Claims 1, 6, 10, 14, 32 and 33 presented drawn solely to the elected embodiment would overcome this objection.

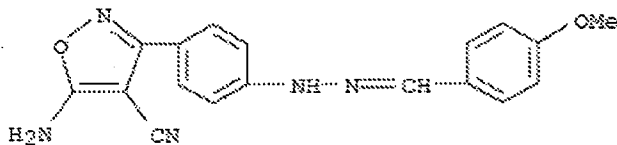
Applicants respectfully submit that the claims as amended are not anticipated nor rendered obvious by the art of record nor is the elected species anticipated or rendered obvious by the art of record as discussed below. Thus, Applicants submit that the present claims should be examined in accordance with the provisions of MPEP § 803.02.

Accordingly, Applicants respectfully request withdrawal of the objection to the claims.

III. Response to Rejection under 35 U.S.C. §102

Claims 1, 10 and 14 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Willitzer et al., DD 152786.

According to the Examiner, Willitzer et al. discloses the following compound:



at page 3, Table 1 wherein R_1 is H and R_2 is $p\text{-CH}_3\text{-O-C}_6\text{H}_5\text{-CH=N-}^1$, see the first table in the reference.

It is the Examiner's position that the compound in Willitzer corresponds to Applicants' instantly claimed invention wherein R_1 is H; R_2 is phenyl substituted with one Group (A); wherein Group (A) is alkoxy; R_3 is H; Ar is phenylene; X is a single bond; and G is oxazole substituted with two group (C) substituents wherein group (C) is cyano and amino.

Applicants traverse the rejection.

Without conceding the merits of the rejection, claim 1 is amended herein by limiting the definition of R^2 . Thus, the above-identified compound is not within the scope of amended claim 1 and therefore the claimed invention is not anticipated by the cited reference. Further, there is no apparent reason to modify the disclosure of the reference with a reasonable expectation of success in achieving the claimed invention.

Accordingly, Applicants respectfully request withdrawal of the anticipation rejection under 35 U.S.C. § 102.

Applicants further note that claims 10, 29-30, and 32-35 and new claim 36 depend directly, or indirectly from claim 1, read on the elected invention, and are patentable for at least the same reasons as claim 1.

Claim 28 is amended to be commensurate in scope with claim 1 and rejoinder of claim 28 is respectfully requested.

¹ The reference actually discloses, " $\text{-C}_6\text{H}_4\text{-}$ ".

B. Allowable Subject Matter

Claim 34 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 34 depends from claim 1 and is patentable for at least the same reasons.

Accordingly, Applicants respectfully request withdrawal of the objection.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Jennifer M. Hayes/

Jennifer M. Hayes
Registration No. 40,641

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

65565

CUSTOMER NUMBER

Date: December 8, 2010